LISTENING & UNDERSTANDING

2002

APPEAL COMMISSION AND
MEDICAL REVIEW PANEL ANNUAL REPORT

THE APPEAL COMMISSION

THE WORKERS COMPENSATION
ACT OF MANITOBA

INTRODUCTION

This report outlines the activities and statistics for both the Appeal Commission and Medical Review Panels for the period January 1, 2002 to December 31, 2002 inclusive.

The Appeal Commission is separate and independent from the Workers Compensation Board (WCB) and is the final level of decision making in the WCB appeal structure. The independence of the Appeal Commission ensures that appeals from workers and employers are heard by an impartial panel with no previous involvement or interest in the matters under appeal.

The Appeal Commission was established by legislative amendment to *The Workers Compensation Act* (the Act) in July 1990. The amendment created the independent Appeal Commission with exclusive jurisdiction to hear and decide appeals that arise from decisions made by the WCB's Review Office or Assessment Review Committee. The Appeal Commission's structure and jurisdiction was maintained following the passage of Bill 59 on January 1, 1992, which implemented major changes to the current Act. The Appeal Commission consists of full and part-time appeal commissioners who are appointed by the Lieutenant Governor in Council for specific terms.

Medical Review Panels are established under the Act as a separate and independent process from the WCB and the Appeal Commission. A Medical Review Panel provides an independent medical opinion on a worker's claim. A Medical Review Panel can be convened under subsection 67(3) of the Act, where the WCB or Appeal Commission uses its discretion to request an independent medical opinion. Under subsection 67(4) of the Act a Medical Review Panel must be convened if there is a difference of opinion on a medical matter between the worker's physician and a WCB medical officer, which affects entitlement to compensation.

The Minister responsible for the Act appoints the Medical Review Panel Chair and Alternate Chair. Medical Review Panels set their procedures in accordance with the Act. The independence of the Chairs, and the ability of the employer and worker to select physicians with no previous involvement to sit on a panel, allows for an impartial medical opinion.

The Office of the Registrar is responsible for providing administrative support to both the Appeal Commission and Medical Review Panels.

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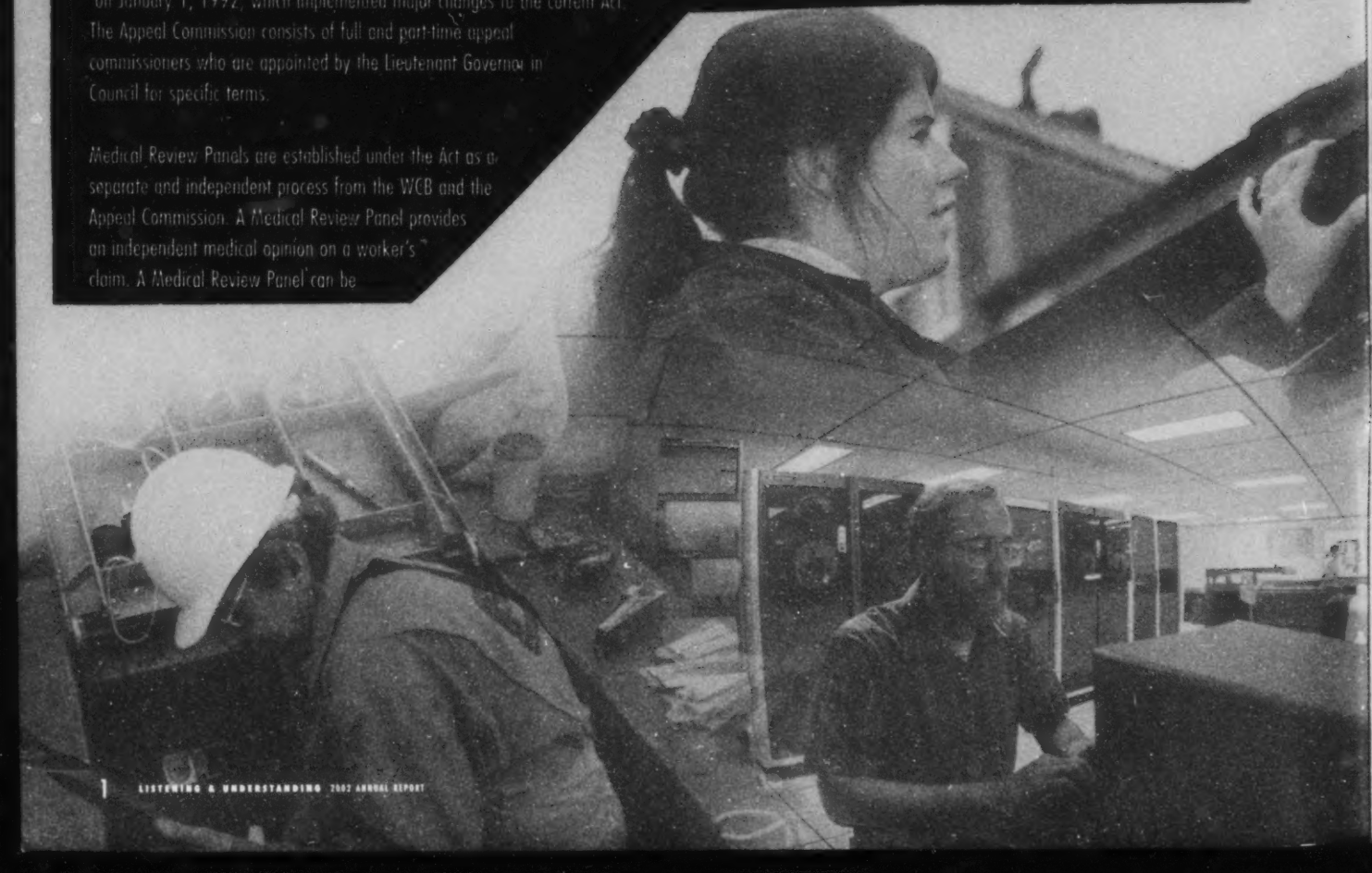

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The Appeal Commission and Medical Review Panel (MRP) activities and statistics are reported separately, as both entities are independent from the Workers Compensation Board of Manitoba (WCB).

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Our Mission Statement

To ensure workers and employers continue to receive a full and impartial hearing of appeals in accordance with fairness and the rules of natural justice and that decisions of the Appeal Commission are a fair reflection of the facts of the case and the governing legislation.

Values

Quality Assurance

The Appeal Commission maintains a consistent and high level of professional conduct, knowledgeable decision making, and accountability, while respecting differing and shared values and perspectives.

Public Integrity

The Appeal Commission is, and is seen to be, an independent body with integrity and a rational decision making process.

Responsive to Change

The Appeal Commission evolves in a proactive and creative manner by assuring a process of consultation and consensus around desired change.

Interdependence

All Appeal Commissioners are committed to a high standard of professionalism in their duties to conduct fair and impartial hearings under *The Workers Compensation Act* and its regulations. As well as their individual responsibilities to become knowledgeable in the matters before them, the commissioners have individual and collective responsibilities to one another to ensure an atmosphere of mutual respect, tolerance of individual differences and opinions, freedom from pre-determined bias and a commitment to look for objective truth and sound decision making.

Respectful Work Environment

Appeal Commissioners interact with staff and colleagues in a manner which promotes mutual respect as well as clarity and understanding of respective roles.

A MESSAGE FROM THE

CHIEF APPEAL COMMISSIONER

Terry Sargeant
Chief Appeal Commissioner

I am pleased to present the annual report of the Appeal Commission for the year 2002.

The Appeal Commission is mandated to be the final appeal body for matters under *The Workers Compensation Act* of Manitoba. In simple terms, this means that persons who are not satisfied with decisions made by the Workers Compensation Board, in respect of their claims, may appeal to the Commission, a body independent of the WCB. The Commission has an additional, albeit much smaller, role as the Compensation Appeal Board, pursuant to *The Victims' Bill of Rights*.

The Appeal Commission has adopted as its mission to ensure that all parties to an appeal receive a full and impartial hearing. It is to that end that the Commission devotes its energies.

We had no new appointments in our membership or staff in 2002, although a number of members were re-appointed for three year terms: Mira Thow, Sherri Walsh, Byron Williams, Bill Leake, Jane MacKay, Gail Overgaard and Bonnie Popowich. Bernard Campeau's term ended in 2002. In last year's report, I neglected to note that Paul Challoner had been re-appointed in 2001 as a part-time commissioner representing the employer community.

The year wasn't completely without change. In February, we moved into new offices a few floors up in the same building, a move initiated by our landlord. The new space is nicely laid out and very comfortable. A number of our staff earned a huge vote of thanks for their role in ensuring that the design, construction and move went very smoothly and with little, if any, disruption to our services.

The Commission remains committed to maintaining and improving its service delivery. Elsewhere in this report, you will find statistics which detail our performance for the past year. They show that we have been successful in keeping up to the high performance levels that the Commission has achieved over the past few years.

The Commission continues to provide a series of professional development seminars, which help to educate commissioners, part and full-time, in a variety of areas of concern to them as adjudicators: from medical problems common to the workplace to decision writing. Among these in the past year was a one-day workshop on 'back-to-work' issues, jointly sponsored by the WCB, labour and the employer community.

We also continue in our efforts to communicate with the public and with our potential stakeholder group. Our website (**www.appeal.mb.ca**), introduced in 1999 has proven to be a valuable, and well-used, source of information about our operations.

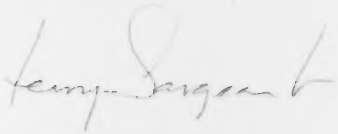
On a personal note, in early 2002 I was appointed as the Manitoba representative on the board of the Council of Canadian Administrative Tribunals. While this is not a particularly onerous responsibility, it does allow me to interact with members of similar tribunals from across the country.

As always, the Commission relies on the outstanding support provided by the staff of the Office of the Registrar. 2002 saw no changes in the makeup of the staff or in the high quality of its work.

2002 proved to be another rewarding year for the Commission. I want to thank all of the commissioners and staff for their diligent work which allowed us to have another successful year.

We all look forward to the year 2003.

Sincerely,



Terry Sargeant

ABOUT THE APPEAL COMMISSION

Peter Wiebe
Registrar

In 1990, revisions to the Act established the Appeal Commission as the final level of appeal in the workers compensation system. The Appeal Commission operates separately and independently from the WCB, and is solely responsible for hearing all appeals from workers and employers concerning WCB Review Office or Assessment Review Committee decisions.

The full and part-time appeal commissioners are appointed by the Lieutenant Governor in Council for specific terms. The Act requires that the Appeal Commission consist of one or more appeal commissioners representing the public interest, one of whom is designated as Chief Appeal Commissioner, and one or more appeal commissioners representing workers and employers covered under the Act. The Chief Appeal Commissioner is responsible for the operation and conduct of matters relating to the Appeal Commission as established by the Act. Currently, there are two full-time presiding officers representing the public interest, including the Chief Appeal Commissioner, and two full-time commissioners representing labour and employer interests respectively.

The part-time commissioners are used where a full-time commissioner is in conflict on a case, to manage workloads, for vacation relief and to maintain their level of expertise. As of December 31, 2002, the Appeal Commission had a roster of twelve part-time commissioners with four representing the public interest, four representing workers and four representing employers.

The Appeal Commission's conduct is governed by Regulation 279/91, *Appeal Commission Rules of Procedure*. The Rules of Procedure establish the responsibilities of the Chief Appeal Commissioner, the Registrar and the appeal panels to ensure that the integrity of the appeal system is protected and maintained.

Panels of three commissioners, representing public, worker and employer interests respectively, hear appeals. The commissioner representing the public interest is the Presiding Officer of the panel and is responsible for the conduct of the hearing/review and panel meetings.

Hearings and reviews are conducted fairly and in accordance with the rules of natural justice and procedural fairness. All parties to an appeal (i.e. the employer, worker and their representatives) are given an equal opportunity to present their case.

The Appeal Commission is a non-adversarial enquiry forum where parties with a direct interest in a matter provide oral or written evidence. The Appeal Panel has the ability to ask questions or obtain additional evidence, which ensures that the Appeal Panel has all the information necessary to reach a fair decision.

The Appeal Panel may hear witnesses from either or both parties, and may subpoena witnesses or evidence that will assist the panel in reaching a decision. A party with a direct interest may appear before the panel to provide evidence or in some cases, ask the panel to conduct a paper review of the file, which would not require the attendance of any party.

The Appeal Commission also acts as the final level of appeal for the claims of victims of crime filed under the provisions of *The Criminal Injuries Compensation Act, The Victims' Rights Act* or *The Victims' Bill of Rights.*

METHOD OF APPEAL

Appellants can request one of three forums of appeal. However the Chief Appeal Commissioner has the final authority to determine the most appropriate forum for an appeal.

Non-Oral File Review

An appeal can be decided by a file review if all the issues are easy to understand from the file documents. The panel reaches a decision after it conducts a full review of the file documentation and any evidence submitted in writing by the parties with a direct interest. If an appeal is decided by a non-oral file review interested parties do not have to appear in person before the appeal panel. Some examples of appeals commonly decided by file review include:

- most assessment appeals
- factual matters such as the level of average earnings
- applications for an increase in permanent partial impairment where no wage loss is involved
- payment of medical aid/travel expenses
- appeals where the facts of the case are not in dispute

Standard Oral Hearing

Standard oral hearings are the most common appeal forum. If the appeal is more complex, it will probably be decided by an oral hearing. In this method the parties must appear in person at the hearing. At the hearing, parties present the appeal to the panel verbally. The appeal can be supported by a written submission. Witnesses may attend in support of the appeal. However, the Appeal Commission must be advised if witnesses will be attending. Some examples of appeals commonly decided by a standard oral hearing are:

- where additional evidence is to be presented
- where there is a fatality
- where serious injury has occurred
- where an occupational disease is involved
- where the decision may have an important impact on how WCB policy is interpreted or applied
- where the facts are in dispute or credibility is an issue

Expedited Oral Hearing

Occasionally, oral hearings may be expedited. This means that a decision is given immediately following the hearing and written reasons are provided at a later date. In this method the parties must appear in person at the hearing to present their appeal. Some examples of appeals decided by an expedited oral hearing are:

- where the appeal panel feels an immediate decision is necessary
- where no additional evidence is required by the panel
- applications for periods of retroactive benefits, where the worker has returned to work

General Hearing/Review Information

- Hearings and reviews are scheduled as soon as parties are fully prepared to proceed.
- Hearings are closed to the public. In limited circumstances a hearing may be open to the public if permission is obtained from all parties.
- A worker's access to their file information is governed by subsection 101(1.1) of the Act, and the employer's access is governed by subsection 101(1.2). File access generally takes up to six weeks, but can take longer if objections to the release of information are received.
- Any written evidence concerning an appeal must be provided to the Registrar no later than five business days before the file review or hearing.
- A court reporter records the proceedings at all oral hearings. After the hearing, a transcript is produced and becomes part of the file record.
- The Appeal Commission provides interpreter services free of charge, where needed.
- Pursuant to Regulation 279/91, *Appeal Commission Rules of Procedure*, a decision of a panel shall be rendered within 60 days of the completion of the file review or hearing.

After An Appeal

The Appeal Commission cannot amend, clarify or change its decision once it has been rendered. This means that once a decision is made, the panel cannot provide further reasons, clarification or explanations for its decision. As well, the panel cannot consider further arguments or submissions by the parties to the appeal once a decision has been made.

The Act provides two limited options for reconsideration of an Appeal Commission decision.

Under Section 60.9 of the Act, if a party to an appeal feels the panel has acted outside its authority or has erred in applying Workers Compensation legislation, policy or regulations, the party can approach the WCB Board of Directors. The party must identify the alleged error made by the panel. If the Board of Directors determines that an error has been made, the Board can stay or set aside the decision and order that the case be re-heard. The Board of Directors is unable to set aside a decision of the Appeal Commission if it has acted within its jurisdiction.

Under subsection 60.91(1) of the Act, if a party with a direct interest acquires new evidence after the hearing, the party may apply to the Chief Appeal Commissioner to request reconsideration of the previous decision. If the Chief Appeal Commissioner decides that the evidence meets the requirements of the Act, a new hearing on the matter is ordered. The Chief Appeal Commissioner does not have a general power of reconsideration and is unable to consider further arguments about the evidence that was before the original panel.

Subsection 60.91(2) describes the nature of the evidence and states:

The Chief Appeal Commissioner may direct the Appeal Commission to reconsider its previous decision where the Chief Appeal Commissioner considers that the evidence referred to in subsection (1) is substantial and material to the decision, and

(a) did not exist at the time of the previous hearing before the Appeal Commission, or

(b) was not known to the applicant at the time of the previous hearing before the Appeal Commission and could not have been discovered through the exercise of due diligence.

Robert MacNeil
Presiding Officer
(Public Interest)

Margaret Day
Appeal Commissioner
(Workers)

Terry Sargeant
Chief Appeal Commissioner
(Public Interest)

Allan Finkel
Appeal Commissioner
(Employers)

ABOUT THE FULL-TIME COMMISSIONERS

The Chief Appeal Commissioner and full and part-time commissioners representing workers, employers and the public interest are appointed by the Lieutenant Governor in Council. There are currently four full-time commissioners.

About The Part-Time Commissioners

As of December 31, 2002, the Appeal Commission had a roster of twelve part-time appeal commissioners, four representing the public interest, four representing workers and four representing employers. The services of the part-time commissioners are used when full-time commissioners are in conflict on a case, for vacation relief, when workloads increase and to maintain their level of expertise.

The Appeal Commission would like to thank Bernard Campeau, whose term ended in 2002, for his dedicated service and contribution to the Appeal Commission.

CURRENT ROSTER

PUBLIC INTEREST	REPRESENTING WORKERS	REPRESENTING EMPLOYERS
Kaye Dunlop, Q.C.	Chris Monk	Paul Challoner
Mira Thow	Bob Malazdrewich	Jane MacKay
Sherri Walsh	Bill Leake	Gail Overgaard
Byron Williams	Linda Butler	Bonnie Popowich

OFFICE OF THE REGISTRAR STAFF

The administrative staff supports both the Appeal Commission and Medical Review Panels.

From left to right:

Marg Semler (Scheduling Coordinator)
Roger Lafrance (Assistant Registrar)
Stephanie Michalow (Photocopy Clerk)
Bonnie Miller (Recording Secretary)
Peter Wiebe (Registrar)
Melanie Curtis (Assistant Scheduling Coordinator)
Phyllis Kastalanych (MRP Scheduling Coordinator)
Diane Daignault (Office Administrator)

Missing:

Dr. Brian Onoferson (Medical Advisor)

2002 HIGHLIGHTS

- In February, the Appeal Commission and Medical Review Panels relocated to new office space at 600-330 St. Mary Avenue. An open house was held with all stakeholders invited to attend.
- In early 2002, the Chief Appeal Commissioner was appointed to the Board of Directors of the Council of Canadian Administrative Tribunals.
- In June, the full-time appeal commissioners participated in a return to work seminar facilitated by the WCB.
- In December, the Chief Appeal Commissioner was an invited speaker at the "Advanced Workers' Compensation in Manitoba" seminar in Winnipeg. The Chief Appeal Commissioner presented on the topics of *"General Concepts in Workers' Compensation Law"* and *"Appealing a Claim"*.
- The Appeal Commission ruled on a number of the applications submitted pursuant to subsection 68(4) of the Act. Subsection 68(4) of the Act deals with the determination of whether or not a worker's right of action is removed by the Act.

COMMISSIONER WORKSHOPS

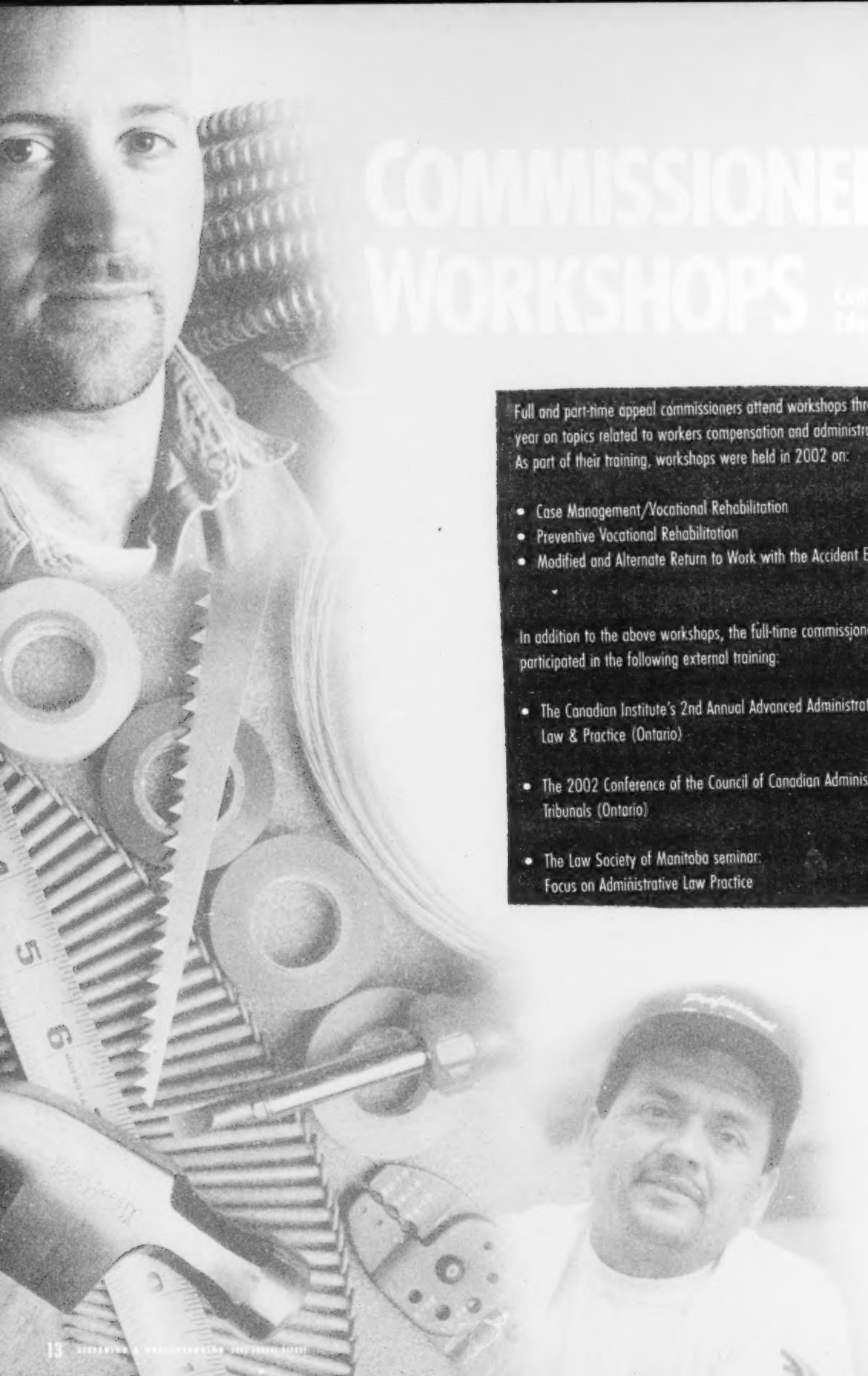
Continued

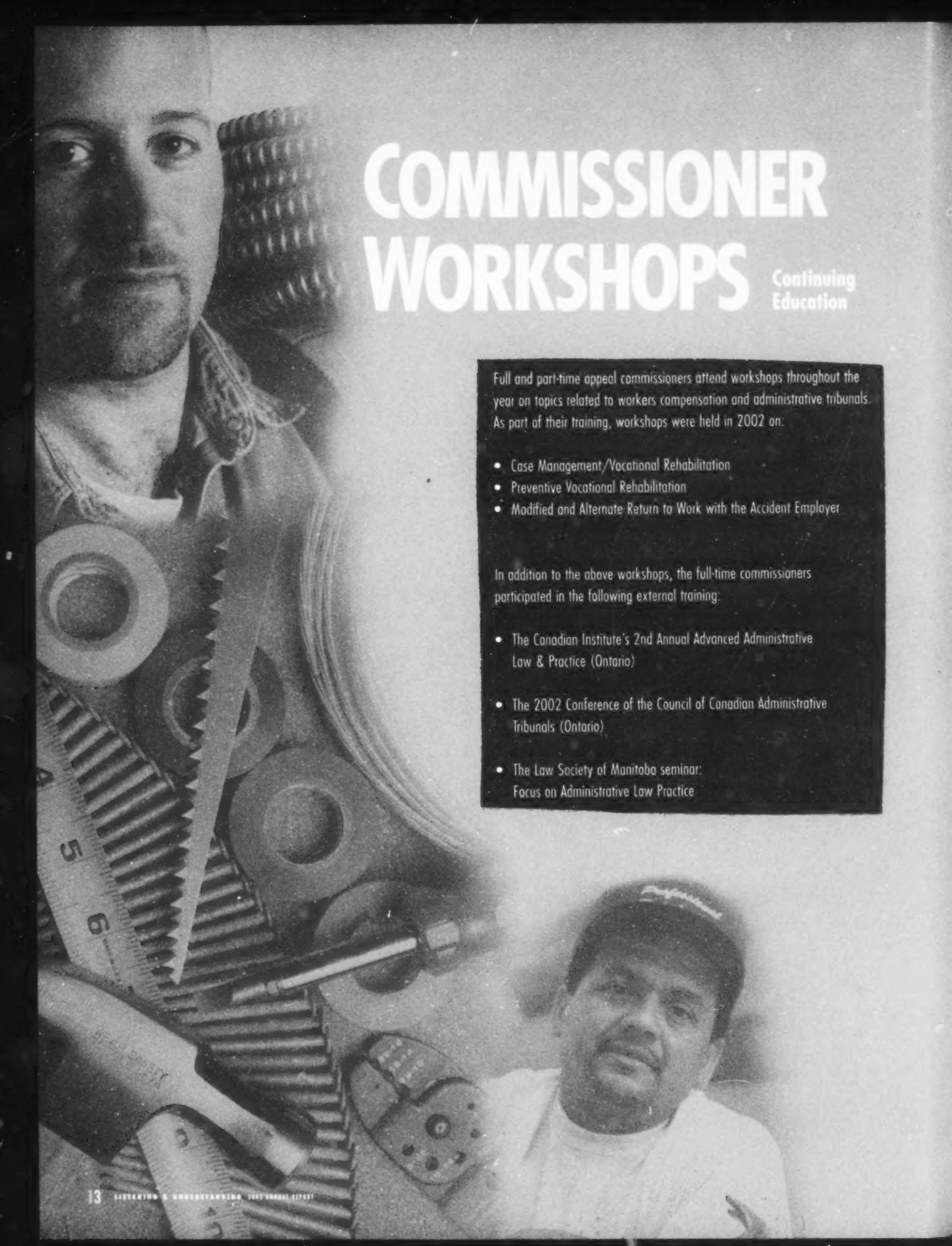
Full and part-time appeal commissioners attend workshops throughout the year on topics related to workers compensation and administrative tribunals. As part of their training, workshops were held in 2002 on:

- Case Management/Vocational Rehabilitation
- Preventive Vocational Rehabilitation
- Modified and Alternate Return to Work with the Accident Employer

In addition to the above workshops, the full-time commissioners participated in the following external training:

- The Canadian Institute's 2nd Annual Advanced Administrative Law & Practice (Ontario)
- The 2002 Conference of the Council of Canadian Administrative Tribunals (Ontario)
- The Law Society of Manitoba seminar: Focus on Administrative Law Practice





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APPEAL COMMISSION STATISTICS

*excludes Criminal Injuries/Victims' Rights appeals

TOTAL APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals carried forward from previous year	33	33	20
Panel hearings held (by appeal)	111	149	115
Panel reviews held (by appeal)	41	30	36
Cases in process	[27]	[33]	[33]
Cases adjourned	[3]	[9]	[6]
TOTAL APPEALS DECIDED	**155**	**170**	**132**
Appeals accepted	51	60	43
Appeals partially accepted	15	19	11
Appeals not accepted	89	91	78
TOTAL APPEALS DECIDED	**155**	**170**	**132**
Percentage accepted	32.9%	35.3%	32.6%
Percentage partially accepted	9.7%	11.2%	8.3%
Percentage not accepted	57.4%	53.5%	59.1%

POST HEARING ACTIVITIES Cases in process	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Cases awaiting further information requested by the Panel	17	12	12
Cases awaiting decision	1	7	3
Cases decided but not communicated	9	14	18
TOTAL CASES IN PROCESS	**27**	**33**	**33**

TOTAL CLAIMANT APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	47	51	38
Appeals partially accepted	15	19	11
Appeals not accepted	67	72	67
TOTAL CLAIMANT APPEALS	**129**	**142**	**116**
Percentage accepted	36.4%	35.9%	32.8%
Percentage partially accepted	11.6%	13.4%	9.5%
Percentage not accepted	52.0%	50.7%	57.7%
Number of claimants represented by:			
Legal Counsel	20	16	13
Union Representative	34	48	33
Worker Advisor	27	42	24
Advocates	8	5	7
Self Representation	36	28	37
Other	4	3	2
TOTAL	**129**	**142**	**116**

TOTAL EMPLOYER APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	3	8	5
Appeals partially accepted	0	0	0
Appeals not accepted	19	17	11
TOTAL EMPLOYER APPEALS	**22**	**25**	**16**
Percentage accepted	13.6%	32.0%	31.25%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	86.4%	68.0%	68.75%
Number of employers represented by:			
Legal Counsel	2	2	1
Advocate	3	6	0
Employer Agent	13	13	11
Self Representation	4	4	4
TOTAL	**22**	**25**	**16**

BREAKDOWN OF EMPLOYER APPEALS TO CLAIMS/ REHABILITATION ISSUES	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	1	5	3
Appeals partially accepted	0	0	0
Appeals not accepted	14	14	9
TOTAL	**15**	**19**	**12**
Percentage accepted	6.7%	26.3%	25.0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	93.3%	73.7%	75.0%

BREAKDOWN OF EMPLOYER APPEALS TO ASSESSMENT ISSUES	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	2	3	2
Appeals partially accepted	0	0	0
Appeals not accepted	5	3	2
TOTAL	**7**	**6**	**4**
Percentage accepted	28.6%	50.0%	50.0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	71.4%	50.0%	50.0%

TOTAL THIRD PARTY APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	1	1	0
Appeals partially accepted	0	0	0
Appeals not accepted	3	2	0
TOTAL THIRD PARTY APPEALS	**4**	**3**	**0**
Percentage accepted	25.0%	33.3%	0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	75.0%	66.7%	0%
Number of third parties represented by:			
Legal Counsel	4	3	0
Union Representative	0	0	0
Worker Advisor	0	0	0
Advocates	0	0	0
Self Representation	0	0	0
Other	0	0	0
TOTAL	**4**	**3**	**0**

TOTAL APPEALS BY CASE TYPE:

CLAIMS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	47	55	39
Appeals partially accepted	14	18	10
Appeals not accepted	77	86	72
TOTAL	**138**	**159**	**121**
Percentage accepted	34.1%	34.6%	32.2%
Percentage partially accepted	10.1%	11.3%	8.3%
Percentage not accepted	55.8%	54.1%	59.5%

REHABILITATION	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	2	2	2
Appeals partially accepted	1	1	1
Appeals not accepted	7	2	4
TOTAL	**10**	**5**	**7**
Percentage accepted	20.0%	40.0%	28.6%
Percentage partially accepted	10.0%	20.0%	14.3%
Percentage not accepted	70.0%	40.0%	57.1%

ASSESSMENTS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	2	3	2
Appeals partially accepted	0	0	0
Appeals not accepted	5	3	2
TOTAL	**7**	**6**	**4**
Percentage accepted	28.6%	50.0%	50.0%
Percentage partially accepted	0%	0%	0%
Percentage not accepted	71.4%	50.0%	50.0%
TOTAL CASES DECIDED	**155**	**170**	**132**

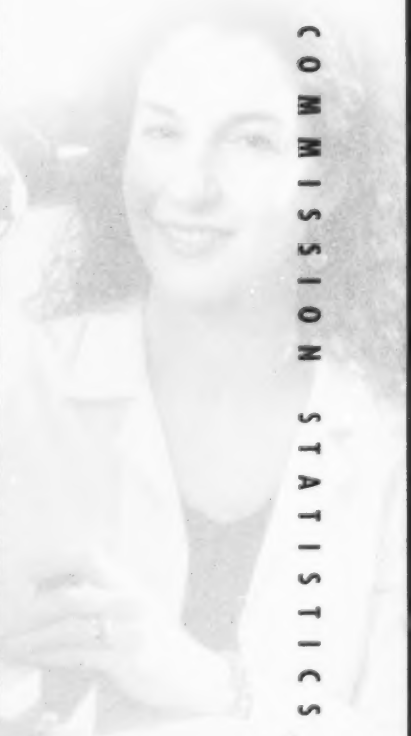
RECONSIDERATIONS UNDER SECTION 60.91 OF THE ACT	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Number of requests received	9	17	18
Reconsiderations granted	1	4	2
Referred back to the WCB to address new issues identified by the Chief Appeal Commissioner/designate	0	0	0

FILE ACCESS APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Claimant appeals	9	9	3
Employer appeals	6	4	4
TOTAL FILE ACCESS APPEALS	**15**	**13**	**7**

CRIMINAL INJURIES/VICTIMS' RIGHTS APPEALS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Appeals accepted	1	0	3
Appeals partially accepted	1	0	0
Appeals not accepted	7	1	3
TOTAL APPEALS	**9**	**1**	**6**
Percentage accepted	11.1%	0%	50.0%
Percentage partially accepted	11.1%	0%	0%
Percentage not accepted	77.8%	100%	50.0%

	2002	2001	2000
TOTAL ISSUES ADDRESSED	**195**	**228**	**198**

MOST COMMON ISSUES ADDRESSED	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Entitlement to wage loss benefits (post 1992)	56	59	53
Claim acceptance	32	46	24
Is present condition related to the compensable injury	23	24	14
Request for a Medical Review Panel	11	6	10
Has claimant recovered from the compensable injury	10	19	13
Entitlement to medical aid payment	10	6	8
Application under subsection 68(4) of the Act	6	6	0
Entitlement to temporary total disability benefits (pre 1992)	5	2	11
Entitlement to wage loss benefits (rehabilitation)	5	3	0
Are employer's assessments payable to the WCB	4	1	1
Deeming process	4	3	3



SERVICE LEVELS

The Service Level Report was instituted in 1997. This tracking system allows the Office of the Registrar to review the time it takes an appeal to move through the appeal process. Service levels are reviewed at various stages of the appeal process to identify delays and to determine if administrative improvements can be made.

The Appeal Commission personally contacts all interested parties with respect to the scheduling of hearings. Historically, the Appeal Commission has been able to schedule a hearing or review within six weeks of receiving an appeal. However, it was found that this does not allow sufficient time for the parties to fully prepare.

According to Regulation, an appeal panel must publish its decision within 60 days following the conclusion of a hearing. A hearing is considered to have concluded once the panel obtains the necessary information to allow it to make a decision.

SERVICE LEVEL STATISTICS (based on decisions published as of December 31, 2002)	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Average time from date appeal received to date of hearing	11.31 wks	14.83 wks	10.51 wks
Average time from hearing date to decision published	11.25 wks	10.75 wks	10.38 wks
Average time from date of decision to decision published	5.12 wks	4.73 wks	3.84 wks
TOTAL TIME FROM DATE APPEAL RECEIVED TO DECISION PUBLISHED*	**22.56 wks**	**25.59 wks**	**20.89 wks**

*Includes all cases where the panel did not make a decision immediately after the hearing/review due to a request for additional information.

About Medical Review Panels

Medical Review Panels enable the WCB or Appeal Commission to obtain impartial, independent advice on medical matters that affect a worker's right to compensation.

Subsection 67(3) of the Act allows the WCB or Appeal Commission the discretion to refer a medical matter to a Medical Review Panel for an independent opinion.

Subsection 67(4) of the Act establishes the right of an injured worker to a Medical Review Panel if there is a difference of opinion on a medical matter between the worker's physician and a WCB medical officer, which affects entitlement to compensation. This provision mandates the convening of a Medical Review Panel if a difference of opinion, as defined by subsection 67(1) of the Act, exists.

A Medical Review Panel is comprised of a Chairperson and two panel members. The Minister responsible for the Act appoints the Chairperson and the alternate Chairperson. The worker and employer select the other two panel members from a list of physicians provided by the College of Physician and Surgeons, who specialize in the matter under consideration. In addition, specialist consultants in other fields may be invited to attend and assist the panel.

Physicians who have treated the worker, who examine workers on behalf of the employer, or who have acted as consultants in the treatment of the worker are not eligible to serve on the Medical Review Panel.

The independent nature of the Medical Review Panel process ensures that the medical advice obtained is impartial and is based upon the facts of the case as documented on file and as discovered through the process.

The findings of a Medical Review Panel are considered evidentiary in nature and are not binding upon the WCB or the Appeal Commission.

Dr. C.H. Murphy
Medical Review Panel, Chairperson

Dr. Mallory Fast
Medical Review Panel, Alternate Chairperson

MEDICAL REVIEW PANEL

STATISTICS

MEDICAL REVIEW PANEL STATISTICS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Total MRP's convened	40	33	39
MRP's awaiting scheduling	12	6	8
INITIATED BY			
Primary Adjudication	22	22	28
Review Office	13	7	9
Appeal Commission	5	4	2
CONVENED UNDER			
Subsection 67(3)	12	7	5
Subsection 67(4)	28	26	34

MEDICAL REVIEW PANELS CONVENED BY AREA OF MEDICAL SPECIALITY	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Orthopedic Surgery	26	22	22
Physical Medicine & Rehabilitation	6	3	6
Psychiatry	4	0	1
Neurology	1	3	3
Respiratory Medicine	1	0	1
Neurosurgery/Orthopedic Surgery	1	0	1
Neurology/Respiratory Medicine	1	0	0
General Surgery	0	1	0
Clinical Immunology & Allergy	0	1	1
Occupational Medicine & Ophthalmology	0	1	0
Otolaryngology	0	1	0
Physical Medicine & Rehabilitation/Neurology	0	1	0
Plastic Surgery	0	0	2
Physical Medicine & Rehabilitation/Psychiatry	0	0	1
Vascular Surgery	0	0	1
TOTALS	**40**	**33**	**39**

MEDICAL REVIEW PANEL

SERVICE LEVELS

The scheduling of a Medical Review Panel is a complex process where a panel of specialists and consultants are brought together on a specific day to meet, examine a worker and answer questions placed to them. This involves arranging a time convenient to all parties, the preparation of documents and the publishing of the Medical Review Panel findings.

The Medical Review Panel Reporting System [MRPRS] was first implemented in 1996 and underwent significant enhancements in 1999. The MRPRS captures specific data, allowing the Office of the Registrar to track a case through the various stages of the process.

MEDICAL REVIEW PANEL SERVICE LEVEL STATISTICS	YEAR ENDING 2002	YEAR ENDING 2001	YEAR ENDING 2000
Average time from date of request to date MRP held	23.28 wks*	14.83 wks	17.12 wks
Average time from date of MRP to date when report is published	6.75 wks*	4.99 wks	6.41 wks
Average time from date of request to when report is published	30.03 wks*	19.82 wks	23.53 wks

*Based on 35 MRP reports released. Of the 40 MRPs convened, 5 MRP reports were not yet released as at January 31, 2003.

LISTENING & UNDERSTANDING

2002 APPEAL COMMISSION AND MEDICAL REVIEW PANEL ANNUAL REPORT

THE APPEAL COMMISSION

THE WORKERS COMPENSATION
ACT OF MANITOBA

600 – 330 St. Mary Avenue
Winnipeg, Manitoba, Canada R3C 3Z5

E-mail: appeal@appeal.mb.ca | Internet: www.appeal.mb.ca